

20° incline passage way that would place the line entrance port of said tube at the farthest forward point in the lure body predisposing his design to hang in a vertical position in the water, thereby negating the lure's ability to mimic the natural position of live bait which is generally in a horizontal position. Although Brokaw teaches a body comprising an opening forward of the tail and generally between the head and tail his design does not anticipate that a weighted tubular member placed in a vertical position in the head section of the lure body provides an effective counter balancing mechanism that offsets the weight that is applied to the lure body by placing the hook at or near the tail position of said body. Claim 18 has been amended to include the limitation that there be a weighted tube means in the artificial bait body for allowing a line to pass from the tail of the artificial bait body through the tube means and for causing the artificial bait body to be at a level position in the water while hanging on a fishing line. This limitation is neither disclosed nor suggested by Brokaw. That Brokaw's tube in Figure 4 could be metal or plastic does not mean that it is weighted. It could be made of either material and still not be weighted. Thus, Brokaw cannot be said to anticipate these claims.

Brokaw's design with a tubular member extending angularly upward and outward to the farthest point of the head section does not consider that a space must be allotted for a means of attachment of a whisker in the forwardmost position in the lure body. Claim 33 now specifically claims whiskers, so it is not anticipated by Brokaw, nor is it rendered obvious by Brokaw.

Claims 28-30 and 35-38 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Brokaw in view of Preston. This rejection is respectfully traversed.

Claim 28 is not rendered obvious by Brokaw and Preston. The device of Preston is a stand-alone lure, not intended to be used with another lure. It would not be obvious to add the device of Preston to the device of Brokaw. Even if one did, one would not have the invention as claimed in claims 29, 30, 36, 37, or 38, as the device of Preston is not a float.

All claims dependent on claim 18 are believed to be patentable by virtue of such dependence.

Applicant respectfully submits that the application is in condition for allowance. A Notice of Allowance is hereby respectfully requested.

Should the Examiner feel that a telephone conference would advance the prosecution of this application, she is encouraged to contact the undersigned at the telephone number listed below.

Applicant respectfully petitions the Commissioner for a one-month extension of time necessary to render this paper timely. The \$55 fee is included in the attached check for \$215. Applicant respectfully petitions the Commissioner for any other extension of time necessary to render this paper timely.

Please charge any fees due or credit any overpayment to Deposit Account No. 50-0694.

Respectfully submitted,



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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Box AF, Commissioner of Patents and Trademarks, Washington, D.C. 20231, on this 3<sup>rd</sup> day of February, 2003.



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